

**SECRET**

## OGC Has Reviewed

31 July 1975

MEMORANDUM FOR: [REDACTED]

SUBJECT : Status of [REDACTED] Case

1. In accordance with your suggestion I called [REDACTED] and inquired whether Subject would be considered an employee during the training period. [REDACTED] agreed with your position, suggested that [REDACTED] should be considered an employee. He said that he would check with the Deputy Chief of the Bureau of Employee Compensation, Department of Labor, to inquire whether any BEC case law existed on this point. If not, he suggested that we submit the question to BEC for their determination.

2. [REDACTED] called back this morning and said that the Deputy Chief, BEC, had told him that the degree of supervision which we exercised during the training period was highly significant and based upon that factor, Subject might well be an employee. The Deputy Chief suggested, however, that he was only relying on memory, and that he would check the case law. [REDACTED] promised to get back to us early next week with the results of this BEC case law research.

3. I also discussed the case in general terms with Mr. Warner who is tentatively of the view that we ought not label [REDACTED] an employee merely because he was in training.

4. As the above indicates, a final decision still remains to be made. I apologize for leaving you the case in this state of disarray but was unable to proceed further until the BEC case law had been searched.

[REDACTED]  
Office of General Counsel

[REDACTED] am (31 July 75)

Distribution:

Original - Addressee

1 - Signer

1 - Chrono

1 - SUBJ: [REDACTED]

**SECRET**